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RUEHBK/AMEMBASSY BANGKOK PRIORITY 0216
RUEHLB/AMEMBASSY BEIRUT PRIORITY 1058
RUEHLM/AMEMBASSY COLOMBO PRIORITY 0283
RUEHKA/AMEMBASSY DHAKA PRIORITY 0369
RUEHIL/AMEMBASSY ISLAMABAD PRIORITY 0961
RUEHJA/AMEMBASSY JAKARTA PRIORITY 0103
RUEHML/AMEMBASSY MANILA PRIORITY 0558
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C O N F I D E N T I A L SECTION 01 OF 03 KUWAIT 000475

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FOR NEA/ARP, HNL/ISTC, AND G/TIP

E.O. 12958: DECL: 04/03/2017
TAGS: [PGOV](#) [PHUM](#) [ELAB](#) [KU](#) [TIP](#)
SUBJECT: TIP UPDATE ON PROSECUTIONS, SHELTER, LABOR
CONFERENCE

REF: KUWAIT 312

Classified By: CDA Matthew H. Tueller for reasons 1.4(b) and (d).

11. (SBU) Summary: The GOK recently provided a response to formal questions regarding this year's TIP report, including an update of prosecution figures. The response states that Kuwait has agreed to establish a shelter for domestic workers, though further clarification is needed. The response also confirmed officially that Kuwait intends to hold a conference on labor issues between Asian labor-sending countries and Arab Gulf labor-importing countries. The GOK noted it had signed the UN Protocol on TIP and supported the GCC model anti-TIP law. Post met with public prosecutors in Kuwait, who gave examples of potential TIP-related cases they are pursuing. The response detailed some awareness-raising measures taken by the government, though none of these efforts seem particularly significant. End Summary.

12. (SBU) The GOK provided answers to Post's questions regarding the TIP report. The answers provided several issues that are relevant to this year's evaluation in the areas of awareness-raising, a GOK-hosted labor conference, a shelter for domestic workers, TIP-related prosecutions, and legislative measures.

Arab Gulf Labor Conference

13. (C/NF) The GOK's TIP answers confirm Post's previous reporting that the GOK has agreed to host an international conference with the assistance of the UNDP on expatriate labor -- including domestic workers -- in the Gulf this May. This is the first time that the GOK has said in writing to the USG that it would host the conference. The goals of the conference are (a) to highlight the positive steps Gulf countries are taking to end problems facing expatriate workers and (b) to close the gap between the views of the sending and receiving countries and to arrive at a shared vision for finding solutions to problems between the two sides. Discussion topics will include: the effect of expatriate labor on the culture, society, security, and work force in the importing countries; alternatives to the sponsor system; a look at possible legal improvements in the

receiving countries that would benefit workers; and examining best practices in Singapore, Lebanon, Jordan, Japan, and Thailand to see if their experiences could benefit the Gulf.

Shelter

14. (C/NF) The GOK's TIP response states that "The Committee on Organizing the Affairs of Private Sector Expatriate Workers and of Treating the Affairs of Domestic Workers has agreed to establish a shelter and is awaiting for the Municipal Council to allot a piece of land where this shelter can be built." A shelter has long been a part of the TIP action plan for Kuwait. Meanwhile, a Municipal Council member told PolOff that the council had designated several pieces of land for the shelter but that it had not received the necessary paperwork for building permits and for a tender to build the facility or facilities. Post has requested clarification from the Ministry of Social Affairs and Labor, which chairs the committee mentioned in the GOK's TIP response, as to whether the government has taken a substantive step on the shelter or not.

Prosecutions

15. (SBU) The GOK's TIP response provides 2006 prosecution figures. There is no breakdown of which crimes specifically relate to TIP. In 2006, 220 people were convicted of hiring workers from abroad and not providing them with the work for which they were imported. Four of those convicted paid fines, 15 signed declarations that they would not repeat the violation, and the rest of the cases had no sentences

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enforced as of the end of the year. Of the 257 people convicted of incitement to prostitution and lewd acts, three received prison sentences, 29 were fined, and 8 signed declarations to not repeat the act. The other cases still had not been finalized.

16. (C/NF) Because the statistics in Kuwait do not reveal quantitative information on TIP-related activity, PolOff met with the Public Prosecutors in two of Kuwait's six governorates to see if they had qualitative evidence of TIP-related prosecutions. The Hawalli prosecutor gave examples of two cases currently in the dock where sponsors attacked their maids. In one case, a Kuwaiti man strangled his maid for disobedience and hid the body. He is currently imprisoned and awaiting trial. His wife was imprisoned temporarily on suspicion of complicity but later released. In another case, an Indonesian maid who plummeted from a third floor balcony showed evidence of burns on her body. The Public Prosecutor's office has the maid's sponsor (a Kuwaiti woman) in custody on presumption of physical abuse. At the time of Post's meeting, the maid was still unconscious and the prosecutors were waiting for her to wake up so they could get her statement via a translator. These cases were not meant to be an exhaustive list of prosecutions but rather examples showing that the office regularly prosecutes cases where domestic workers are abused. The Hawalli Prosecutor went on to say that employers often paid off their employees with large sums of money in such cases, but that such out-of-court arrangement had no bearing on his criminal prosecutions. Rather, these payments might be taken into account by the judge at sentencing and might preempt civil suits. The Prosecutor in the governorate of Farwaniyya was less knowledgeable about the details of particular cases, though he said that he would enthusiastically pursue any such cases.

17. (C/NF) Newspapers have recently reported a large number of police raids on brothels. A number of the articles have claimed that some of the women had been forced into prostitution, though there is not much evidence as to the bases of these claims. Such cases fall under the

jurisdiction of the Public Prosecutors. The Hawalli prosecutor said he had found no instances of forced prostitution in his district. The Farwaniyya Prosecutor (Farwaniyya is the governorate where nearly all the raids occur) insisted that the number of cases of forced prostitution were negligible and that most of the prostitutes were willing participants. Several of the Hawalli Public Prosecutor's assistants told PolOff separately that most prostitutes and the pimps were deported. They reported that because the vast majority were indeed involved in criminal prostitution, deportation was actually a better option for the prostitutes and pimps. They noted that deportation was an administrative procedure carried out by the Ministry of Interior separately from the criminal procedures carried out by the Public Prosecutor's Office. The Farwaniyya Prosecutor, commenting on the subject, said that the Ministry of Interior always checked with the Public Prosecutor before deporting people to see if there were criminal charges outstanding. He acknowledged that the coordination between the two departments was not without fault and it was possible that some criminals had been deported before facing charges.

International Agreements

18. (SBU) Kuwait signed onto the Protocol to Prevent, Suppress and Punish Trafficking in Persons in the reporting period. The law went into effect in Kuwait as of June 11, 2006. At the GCC Summit of December 9-10, 2006, the heads of state of the six GCC members agreed on a model anti-TIP law. It is not enforceable in Kuwait but signifies some level of attention to the issue by the Amir.

Awareness Raising

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19. (SBU) The Ministry of Interior has a brochure on the rights and obligations of domestic workers. Most of the text is in Arabic, a language that few if any domestic workers can read. The brochure contains a summary of the main points in English. The points include "You have to be obedient to your sponsor" and "If you face any problem in your sponsors house you must inform your sponsor in the first place." None of the rights of the worker are spelled out, though it does advise the worker to check the contract terms and to go to a police station or an embassy in case of problems. The Ministry of Social Affairs and Labor (MOSAL) published several booklets listing services it provides and how to take advantage of them. The booklets are all in Arabic. The GOK's official answers also state that MOSAL has finished a brochure entitled Guide to Labor Procedures in the Labor Bureaus that it is currently translating into English, Hindi, Persian, Bengali, Sri Lankan, Filipino, and Chinese.

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Tueller